



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 11 2004

Facsimile and First Class Mail

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Stephen A. Owens
Director
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, Arizona 85007

Re: Enforcement Discretion for Phoenix, Arizona

Dear Mr. Owens:

I am writing in response to your March 5, 2004 letter in which the Arizona Department of Environmental Quality (ADEQ) requests that the United States Environmental Protection Agency (EPA) exercise its enforcement discretion regarding potential violations of Arizona's current State Implementation Plan (SIP) for Cleaner Burning Gasoline (CBG). *See* 63 Fed. Reg. 6,653 (Feb. 10, 1998).

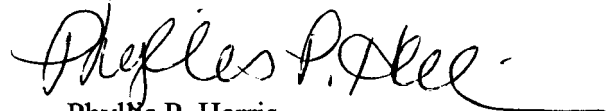
On March 4, 2004, EPA promulgated and approved revisions to the Arizona SIP program for Arizona's CBG program. 69 Fed. Reg. 10,161 (March 4, 2004). The revisions to the Arizona SIP provide, *inter alia*, for the removal of the minimum oxygen content requirement for summertime gasoline in the Phoenix ozone non-attainment area (covering a portion of Maricopa County). The revisions to the Arizona SIP will be effective April 5, 2004. 69 Fed. Reg. at 10,162.

As you describe in your letter, the current CBG regulations, set forth in Arizona's SIP, require a minimum oxygen content standard for Type 1 gasoline from April 1 through November 1. 63 Fed. Reg. 6,653 (Feb. 10, 1998). Unless EPA grants enforcement discretion, the Arizona SIP will require the minimum oxygenate requirement for four days (April 1 - 4) of the 2004 summer season.

Accordingly, based on consultation with ADEQ and the recommendations of EPA's Office of Air and Radiation and Region 9, I am granting enforcement discretion to bridge the gap between the newly revised SIP regulations and the current SIP regulations. EPA will exercise enforcement discretion to allow regulated parties to supply CBG Type 1 gasoline with a 0.0% minimum oxygen content to the Phoenix ozone non-attainment area from April 1, 2004, until the revised SIP takes effect on April 5, 2004.

If you have questions, please call Adam M. Kushner, Director of the Air Enforcement Division, at (202) 564-7979.

Sincerely yours,


Phyllis P. Harris
Acting Assistant Administrator

cc Jeffrey Holmstead
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